



FILED<sup>2</sup>

JUN 05 2006

June 2, 2006

Missouri Public  
Service Commission

Ms. Cully Dale  
Chief Regulatory Law Judge/Secretary  
Governor Office Building  
Records Department  
200 Madison Street, Suite 100  
Jefferson City, MO 65102-0537

RE: Application of Kentucky Data Link, Inc. for a Certificate of Service  
Authority to Provide Basic Local Telecommunications Services

Dear Ms. Dale,

Enclosed are one original and eight (8) copies of an application for a Certificate of Service Authority filed by Kentucky Data Link, Inc ("KDL"). KDL is applying to the Missouri Public Service Commission to provide basic local telecommunications service and to classify said services and the company as competitive. Simultaneously with this filing, one copy of this cover letter and one copy of the application have been mailed to the Office of Public Counsel.

Please acknowledge receipt of this transmittal by returning a date-stamped copy of the enclosed cover letter duplicate in the self-addressed, stamped envelope included for this purpose.

If you have any questions regarding this submission, please contact me at (812) 456-1216 or you can reach me by e-mail at [rrouch@cinergycom.com](mailto:rrouch@cinergycom.com). Thank you for your time and attention.

Best regards,

A handwritten signature in black ink, appearing to read "Rebekah Rouch". The signature is written in a cursive, flowing style.

Rebekah Rouch  
Regulatory Affairs Specialist

cc: Office of Public Counsel

FILED<sup>2</sup>

JUN 05 2006

Missouri Public Service Commission

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the matter of the Application of )  
Kentucky Data Link, Inc. for a )  
Certificate of Service Authority to )  
Provide Basic Local Telecommunications )  
Services in Portions of the State of )  
Missouri and to Classify Said Services and )  
the Company as Competitive. )

Case No. \_\_\_\_\_

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
TO PROVIDE BASIC LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE  
AND FOR COMPETITIVE CLASSIFICATION**

Comes now Kentucky Data Link, Inc., by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.420, and 392.430 RSMo 1994, 392.410, 392.450 RSMo Supp. 1996, the Federal Telecommunications Act of 1996, and 4 CSR 240-2.060, for authority to provide basic local telecommunications service in portions of the State of Missouri and to classify said service and company as competitive. In support of its application Kentucky Data Link, Inc. ("KDL" or "Applicant") states as follows:

1. KDL is a corporation organized and existing under and by virtue of the laws of the State of Kentucky and is duly authorized to do business in Missouri. Exhibit A, attached hereto and incorporated herein by reference, is a certified copy of Applicant's Certificate of Good Standing issued by the Secretary of State in Missouri. Exhibit B, attached hereto and incorporated herein by reference, is Applicant's Articles of Incorporation.

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

Company Counsel:  
John Chuang  
Corporate Counsel  
8829 Bond Street  
Overland Park, KS 66214

Principal Business Office:  
Kentucky Data Link, Inc.  
3701 Communications Way  
Evansville, IN 47715

Regulatory Contact:  
Rebekah Rouch  
Regulatory Affairs Specialist  
3701 Communications Way  
Evansville, IN 47715  
Telephone: (812) 456-1216  
Facsimile: (812) 759-6736  
Email: [rrouch@cinergycom.com](mailto:rrouch@cinergycom.com)

3. KDL proposes to provide basic local exchange telecommunications service on a facilities and resold basis, throughout all exchanges currently served by the incumbent local exchange telecommunications companies of AT&T, Sprint, CenturyTel, and Spectra. The specific AT&T, Sprint, CenturyTel, and Spectra exchanges within which KDL proposes to offer service are listed in the incumbent providers respective local exchange tariffs. KDL may seek authority to provide this service in other areas of the state in a subsequent proceeding.

4. Pursuant to this application KDL seeks to provide facilities-based and resold local exchange and exchange access telecommunication services. Applicant intends to offer its services throughout the State of Missouri through the use of its own facilities, leased facilities, and through a combination of these provisioning methods. Kentucky Data Link, Inc. will provide leased capacity along its fiber optic network in Missouri to interexchange carriers ("IXCs"), competitive access providers ("CAPs"), cable television providers, and competitive local exchange companies ("CLECS"). Applicant will provide leased bandwidth at the following levels: DS-1 through OC-48. At each of Applicant's point-of-presence ("POP") locations, Applicant's fiber is connected to OC-48 transmission equipment in a SONET configuration that provides a high level of diversity and survivability. Applicant supports its

network with a centralized control center in Madisonville, Kentucky, capable of monitoring network traffic for provisioning and maintenance. Applicant will rely upon its existing personnel and technological resources to furnish its proposed services. All services are available 24 hours a day/7 days per week.

5. KDL possesses the technical and managerial expertise and experience necessary to provide the services it proposes. Description of backgrounds of KDL's management team, which demonstrate the extensive experience and expertise are attached hereto and incorporated herein by reference as Exhibit C. KDL also possesses the necessary financial resources. Audited financials for the fiscal year 2005 including an income sheet and a balance sheet are filed contemporaneously herewith under seal as Confidential and incorporated herein by reference as Exhibit D.

6. KDL seeks classification of itself and its services as competitive.

7. KDL will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. KDL will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in KDL's proposed service areas in accordance with applicable law.

8. KDL is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards, including, but not limited to billing, quality of service, and tariff filing and maintenance in a manner consistent with the Commission's guidelines. Additionally, Applicant agrees that, pursuant to Section 392.455(3) & (4) RSMo Cum Supp. 1996, its service area shall be no smaller than an exchange. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, Applicant requests the

following statutes and regulations be waived for Applicant and its basic local exchange services offerings:

Statutes

392.210.2	(Uniform System of Accounts)
392.240.1	(Just and Reasonable Rates)
392.270	(Valuation of property (ratemaking))
392.280	(Depreciation Accounts)
392.290	(Issuance of securities)
392.310	(Stock and debt issuance)
392.320	(Stock dividend payment)
392.330	(Issuance of securities, debts, and notes)
392.340	(Reorganization(s))

Missouri Public Service Commission Rules

4 CSR 240-10.020	(Depreciation fund income)
4 CSR 240-10.010 (2)	(Posting exchange rates at central offices)
4 CSR 240-30.040	(Uniform System of Accounts)
4 CSR 240-3.550(5)(C)	(Exchange Boundary Maps)

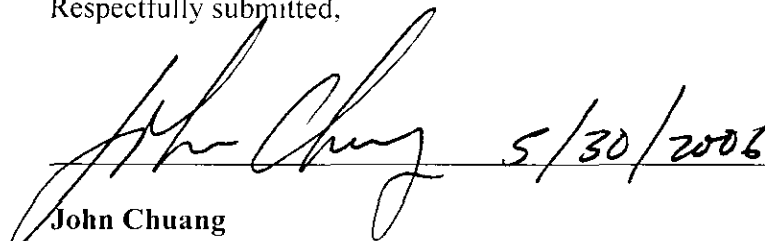
9. It will promptly file said tariffs bearing no less than a 45 day effective date with the Commission in a manner consistent with the Commission's practice in similar cases. In any circumstance, Applicant will file its proposed basic local exchange telecommunications service tariff no later than 30 days after Commission approval of Applicant's interconnection and/or resale agreement.

10. Applicant submits that the public interest will be served by Commission approval of this application because Applicant's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

11. Applicant submits, notwithstanding the provisions of Section 392.500 RSMo., as a condition of certification and competitive classification, Applicant agrees that, unless otherwise ordered by the Commission, originating and terminating switched exchange access rates tariffed by KDL will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within those service areas KDL seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, KDL agrees that if the ILEC in whose service area KDL is operating decreases its originating and/or terminating access service rates, KDL shall file an appropriate tariff revision to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

WHEREFORE, Applicant Kentucky Data Link, Inc. respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications services as herein requested, classify KDL and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Chuang", is written over a horizontal line. To the right of the signature, the date "5/30/2006" is handwritten.

**John Chuang**  
Corporate Counsel  
Missouri Bar Number – 46878  
8829 Bond Street  
Overland Park, KS 66214

# **Exhibit A**



Robin Carnahan  
Secretary of State

CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING

ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records  
my office and in my care and custody reveal that

**KENTUCKY DATA LINK, INC.**

ing in Missouri the name

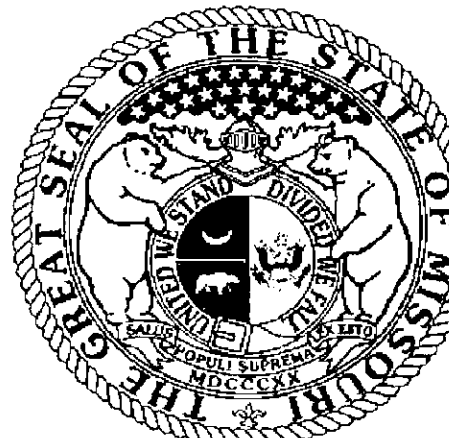
**KENTUCKY DATA LINK, INC.**  
**F00508172**

KENTUCKY entity was created under the laws of this State on the 24th day of April, 2002.  
d is in good standing, having fully complied with all requirements of this office.

TESTIMONY WHEREOF, I have set my  
and and imprinted the GREAT SEAL of the  
ate of Missouri, on this, the 30th day of March,  
06

*Robin Carnahan*

Secretary of State





# **Exhibit B**

ORDERED TO RECORD  
PAID \$ \_\_\_\_\_ INC. TAX

MAY 23 11 31 AM '90

DONALD W. BLEVINS  
FAYETTE COUNTY CLERK

BY \_\_\_\_\_ ARTICLES OF INCORPORATION

OF

KENTUCKY DATA LINK, INC.

RECEIVED AND FILED

DATE APR 13 1990

TIME 9:45 AM

AMOUNT 60.00

BREMER EHRLER  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY

BY Paula Crane

1. The corporation's name shall be KENTUCKY DATA LINK, INC.
2. The corporation's duration shall be perpetual.
3. The corporation's purposes shall be to transact any and all business for which private corporations may be incorporated under KRS Chapter 271.B, including, but not limited to ownership and sale of data services and equipment of all kinds and all other lawful business which a corporation in this Commonwealth may conduct.
4. The corporation shall have authority to issue 2000 shares of stock without par value.
5. The address of the corporation's initial registered office and its principal office shall be:  

2647 Regency Road  
Lexington, KY 40503

The name and address of the corporation's initial registered agent shall be A.D. WRIGHT, JR., 2647 Regency Road, Lexington, KY 40503.
6. The number of directors constituting the corporation's initial board of directors shall be three. There-

after the number of directors shall be as fixed in the bylaws.

The name and residence address of the initial members of the board of directors are as follows:

A.D. WRIGHT, JR.  
611 Broadway  
P.O. Box 1337  
Paducah, KY 42001

MARTHA LAYNE COLLINS  
2647 Regency Road  
P.O. Box 11890  
Lexington, KY 40503

MICHAEL REYNOLDS  
2220 Nicholasville Road  
Lexington, KY 40503

The directors of the corporation shall serve at the pleasure of the shareholders, and any director may be removed without cause by an affirmative vote of a majority of the shareholders, or by unanimous written consent of all the shareholders.

The officers of the corporation shall serve at the pleasure of the board of directors, and any officer may be removed without cause by an affirmative vote of a majority of the directors, or by unanimous written consent of all of the directors.

7. The name and address of the incorporator is as follows:

A.D. WRIGHT, JR.  
2647 Regency Road  
Lexington, KY 40503

This 30 day of March, 1990.

A. D. Wright Jr.  
A.D. WRIGHT, JR.

STATE OF KENTUCKY  
COUNTY OF McCracken ... SCT.

Acknowledged, subscribed and sworn to before me by  
A. D. WRIGHT, JR., this 30 day of March, 1990.

My commission expires

June 19, 1991

Janet Snyder  
NOTARY PUBLIC

seal

This instrument prepared by:

William L. Sullivan

Dorsey, Sullivan, King, Gray & Norment  
318 Second Street  
Henderson, Kentucky 42420  
(502) 826-3965

RECEIVED & FILED  
Ch 8000  
Oct 30 11 57 AM '95

AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF  
KENTUCKY DATA LINK, INC.  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
Charles Kelley

Pursuant to KRS 271B.10-070, the undersigned corporation hereby executes the following Amended And Restated Articles Of Incorporation:

(A) The name of the corporation is Kentucky Data Link, Inc.

(B) The following Amended And Restated Articles Of Incorporation were adopted by the Shareholders of the corporation at a meeting held on October 23, 1995 in the manner prescribed by the Kentucky Business Corporation Act:

1. The name of the corporation is Kentucky Data Link, Inc.
2. The street address of the registered office of the corporation is 611 Broadway, Paducah, Kentucky 42001. The name of the registered agent is A. D. Wright, Jr.
3. The mailing address of the principal office of the corporation is 611 Broadway, Paducah, Kentucky 42001.
4. The total number of shares of common stock which may issued by the corporation is 3,000 no par value.
5. The business and affairs of the corporation are to be conducted by a board of directors, the number to be set in the manner provided in the Bylaws.
6. No director shall be personally liable to the corporation or its shareholders for monetary damages for breach of his duties as a director except to the extent that the applicable law from time to time in effect shall provide that such liability may not be eliminated or limited. Neither the

amendment nor repeal of this section shall affect the liability of any director of the corporation with respect to any act or failure to act which occurred prior to the amendment or appeal. This section is not intended to eliminate or limit any protection otherwise available to the directors of the corporation.

(C) The designation and number of shares entitled to vote on this matter is 1,000 shares of common stock. Present at the meeting were shareholders representing 1,000 shares of the common stock of the Corporation and which constitute all of the shareholders entitled to vote on such Amended And Restated Articles Of Incorporation.

(D) The total number of votes cast by each voting group entitled to vote separately thereon for and against such amendment, respectively, was:

<u>Voting Group</u>	<u>Number of Votes Cast</u>	
	For	Against
Common Shareholders	1,000	0

(E) The foregoing Amended And Restated Articles Of Incorporation supersede the original Articles Of Incorporation and all previous amendments thereto.

IN WITNESS WHEREOF, the undersigned duly authorized officer has executed these Amended And Restated Articles Of Incorporation on this the 24th day of October, 1995.

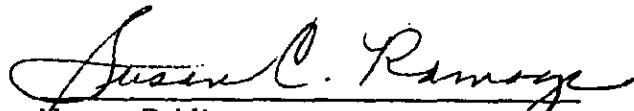
KENTUCKY DATA LINK, INC.

By: A. D. Wright, Jr.  
A. D. Wright, Jr., President

COMMONWEALTH OF KENTUCKY  
COUNTY OF McCRACKEN

The foregoing was subscribed, sworn to, and acknowledged before me by  
A. D. Wright, Jr., President of Kentucky Data Link, Inc., on this 24th day of October,  
1995.

My commission expires: 10-7-97.

  
Notary Public

# **Exhibit C**



## **Kentucky Data Link, Inc. Management Profiles**

### **John Greenbank – President**

John oversees every aspect of KDL, Inc.'s operations and sales. His main responsibilities include network management, rights of way negotiations, fiber builds and the day-to-day maintenance of the network. Through John's leadership KDL has grown its fiber network significantly over the past five year to over 8,000 miles in the states of Arkansas, Georgia, Illinois, Indiana, Kentucky, Tennessee, Ohio, Virginia and West Virginia. Mr. Greenbank joined the parent of KDL, Inc., Q-Comm Corporation, in 1992 and was a key participant in building that Company's operational departments. In addition, he has been an essential advisor on the future growth of Q-Comm. Before working at Q-Comm, Mr. Greenbank gained a vast amount of telecommunications experience in running other small telecom companies since 1980.

### **Cole Hawks – Executive Vice President**

Mr. Hawks is actively involved in the management of KDL, Inc.'s business development and the company's contract negotiations and legal affairs. Along with Mr. Greenbank, Mr. Hawks has been intimately involved in the company's fiber network expansion. Mr. Hawks joined the company in May of 1996. Mr. Hawks received his Bachelor of Business Administration in Management and Economics, Summa Cum Laude, from Wichita State University and his Juris Doctorate from the University of Kansas School of Law.

### **Martin Mueller – Vice President, Sales and Marketing**

Martin is Vice President of sales and Marketing for KDL. In this role, he is responsible for all sales and marketing activities of wholesale data transport services over the KDL regional and metropolitan fiber-optic networks. Mueller has more than 15 years of experience in successful sales, sales management and business development in the telecommunications industry. Martin has also driven the due diligence processes associated with over \$ 100m in merger and acquisition transactions. Prior to his position at KDL, he held various senior sales and business development positions with LightCore, A CenturyTel Company. Mueller received his bachelor's degree in Business Administration from Minnesota State University.

### **Ed Corr – Vice-President, Tax**

Mr. Corr is Vice-President of Tax for KDL, Inc. He oversees the tax department and is responsible for handling all state and federal taxing requirements, along with many state and federal regulatory requirements. Mr. Corr joined the KDL management team in December of 2004 and brings with him over 15 years of business and management experience. He received his Bachelor of Science in Accounting and his Masters of Science in Accounting, Tax from Oklahoma State University in 1985 and 1986 respectively. Prior to working for KDL, Inc., Mr. Corr was with Deloitte & Touche, LLP, (formerly Deloitte, Haskins & Sells) for six years where he achieved the position of Tax Manager. He was co-founder and Senior Partner of Walsh, Corr & Associates, CPA's for eight years. For several years he was also President of his own consulting company.

**John Chuang – Corporate Counsel**

Mr. Chuang manages the legal and regulatory affairs of KDL, Inc. Mr. Chuang provides counsel that is instrumental in obtaining the company's CLEC and other regulatory certifications and he has developed an expertise in negotiating interconnection agreements and pole attachment agreements. Mr. Chuang received his Bachelor of Science from the University of Kansas in 1991 and his Juris Doctorate from Washburn University School of Law in 1995. He was admitted to the Missouri Bar in 1995 and the Kansas Bar in 1996. Before joining the company in September of 2004, Mr. Chuang worked for Birch Telecom for a year in their Regulatory Department and he worked for Sprint United and Sprint Communications for 8 years in a variety of positions, including Senior Manager in Business and Wholesale Markets.

**David Dobbs – Director, Outside Plant Engineering & Construction**

Mr. Dobbs oversees the day to day operation of outside plant engineering, construction, cable maintenance, and project management for KDL Inc.'s fiber optic network. Mr. Dobbs joined KDL, Inc in November of 2003. Prior to joining KDL, he had 20+ years of broad industry experience in project management and construction of fiber backbones, including route development, field mapping, CAD drawing, and permitting. While with KMC Telecom, Mr. Dobbs was instrumental in designing and constructing 3 city network builds primarily located on the East Coast and upper Midwest. These network builds included all associated backbone fiber and SONET rings. In his most recent position as Project Manager with MCI, Mr. Dobbs was responsible for network design and project management of metropolitan access network builds in Baltimore, Richmond, and, Washington D.C..

**John Iber – Vice President of Operations**

Mr. Iber manages the daily operation of KDL, Inc. As Vice President of Operations, he leads the engineering, operation, maintenance and service implementation functions for KDL, Inc. He joined the KDL team in April of 2005 and brings with him over fifteen years of management experience. Mr. Iber previously served as Chief Operations Officer at Manquehue Net where he was responsible for the repositioning and development of that CLEC in Santiago, Chile. He helped accomplish a successful merger, integration and re-capitalization of the company. Mr. Iber held the position of Director of Fiber Operations at Williams Vyvx Services. During his tenure he successfully implemented new systems software, created network planning and quality assurance teams, and related processes and standards. Mr. Iber has also held various management positions with WorldCom/WilTel. He holds a BS in Electrical Engineering from Texas A&M University.

**David Triplett – Director, Optical Engineering**

Mr. Triplett joined KDL, Inc. in October of 2003 to help manage the inside plant planning and optical engineering functions for the KDL network. Prior to joining the KDL, Inc. team, Mr. Triplett held a variety of network planning and engineering positions with MCI/Worldcom, WilTel, McLeod, and Reliance Infocomm. In his most recent position with MCI/Worldcom, Mr. Triplett served in network planning and engineering roles, helping to facilitate the mergers and network consolidations of WilTel and LDDS, Worldcom and MFS, and Worldcom and MCI. While working for WilTel and McLeod, Mr. Triplett managed the facility planning process for network space, and power as well as network planning for both the switch and transport networks. While working for Reliance Infocomm, Mr. Triplett worked overseas and provided network planning, engineering, and provisioning guidance to the company in their efforts to transition from network construction to operating their network. Mr. Triplett received a Bachelor of Science in Electrical Engineering from the University of Tulsa.

**Nate Miller - Director, Field Operations**

Mr. Miller oversees the day-to-day operations and maintenance of KDL, Inc.'s fiber optic network. He directs the installation of all Inside Plant equipment and the activation of new fiber routes and systems. He manages the POP collocation build out and augmentation process for new sites required for expansion of the KDL network. Mr. Miller joined the KDL, Inc. team in May of 2003 and has overseen the rapid growth of the network and field personnel since that time. Prior to joining KDL, he spent 23 years working in Operations for MCI. During his tenure there he progressed from entry level technician, through various management positions, to District Manager of Operations for Tennessee and Kentucky. His responsibilities at MCI included Inside Plant, Outside Plant, Switching, and Field Service management.

# **Exhibit D**

Exhibit D is filed contemporaneously herewith under seal as confidential.